



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes CNC, OLC, FFT

Introduction

I was designated to hear this matter under section 58 of the *Residential Tenancy Act* (the Act). This hearing dealt with the tenant's application pursuant to the Act in respect of the above-noted tenancy for the following:

- cancellation of the landlord's 1 Month Notice to End Tenancy for Cause (the 1 Month Notice) pursuant to section 47;
- an order requiring the landlord to comply with the Act, regulation or tenancy agreement pursuant to section 62; and
- authorization to recover his filing fee for this application from the landlord pursuant to section 72.

The Respondent appeared at the date and time set for the hearing of this matter. The Respondent testified that they had not been notified by the Applicant of this hearing, but learned about this from the Residential Tenancy Branch when they called the Branch. The Applicant did not call into this teleconference hearing although I waited until 11:12 a.m. to enable them to connect with this teleconference hearing scheduled for 11:00 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. During the hearing, I also confirmed from the online teleconference system that the Respondent and I were the only persons who had called into this teleconference.

Rule 10.1 of the Rules of Procedure provides as follows:

10.1 Commencement of the hearing The hearing must commence at the scheduled time unless otherwise decided by the arbitrator. The arbitrator may conduct the hearing in the absence of a party and may make a decision or dismiss the application, with or without leave to re-apply.

Accordingly, **in the absence of any evidence or submissions from the applicant I order the application dismissed without liberty to reapply.**

The landlord testified that they have withdrawn the 1 Month Notice issued to the tenant in May 2018, as the tenant had provided proof that there had been a banking error that had led to the lateness in paying the rent for May 2018. As the landlord has withdrawn

the 1 Month Notice, there is no further action to be taken with respect to the tenant's application.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: July 09, 2018

Residential Tenancy Branch